

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

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IN RE: YASMIN AND YAZ )  
(DROSPIRENONE) MARKETING, SALES )  
PRACTICES AND PRODUCTS LIABILITY )  
LITIGATION )

) 3:09-md-02100-DRH-PMF

) MDL No. 2100

ORDER GRANTING  
DISMISSAL WITHOUT  
PREJUDICE

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**This Document Relates to:**

*Erika Balli, et al. v. Bayer HealthCare  
Pharmaceuticals Inc., et al.*<sup>1</sup> No. 3:10-cv-13126-DRH-PMF

*Jordan Barker v. Bayer HealthCare  
Pharmaceuticals Inc., et al.* No. 3:10-cv-13648-DRH-PMF

*Nicole Carroll, et al. v. Bayer HealthCare  
Pharmaceuticals Inc., et al.*<sup>2</sup> No. 3:10-cv-12350-DRH-PMF

*S.B., a Minor, by and through her Next Friend  
Sharon Billings v. Bayer HealthCare  
Pharmaceuticals Inc., et al.* No. 3:10-cv-13723-DRH-PMF

**ORDER GRANTING DISMISSAL WITHOUT PREJUDICE**

This matter is before the Court on Bayer HealthCare Pharmaceuticals Inc.'s ("Bayer") motion for an order dismissing plaintiffs' claims, in the above captioned matters, without prejudice for failure to file an appearance as required by Local Rule 83.1(g)(2).

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<sup>1</sup> This motion applies to Plaintiff Samantha Stovall only.

<sup>2</sup> This motion applies to Plaintiff Kasey Smith only.

On June 20, 2011, the Court granted motions to withdraw filed by Plaintiffs' counsel in the *Balli*, *Barker*, *Carroll*, and *S.B.* matters. (*Balli* Doc. 12; *Barker* Doc. 9; *Carroll* Doc. 9; *S.B.* Doc. 7.) The Court noted that Plaintiffs' Fact Sheets "are significantly overdue," and it further noted the "numerous attempts [Plaintiffs'] counsel has made to communicate with plaintiffs regarding their Plaintiff Fact Sheet obligations (all of which have been ignored)." Now, in addition to having long overdue Fact Sheets, Plaintiffs have not filed a supplementary appearance as required by Local Rule 83.1(g).

Plaintiffs must comply with the Local Rules and this Court's orders. Fed. R. Civ. P. 41(b). In addition, Plaintiffs' delay and apparent disinterest in this litigation has prejudiced Bayer. Their Plaintiff Fact Sheets were due on or before April 24, 2011.<sup>3</sup> To date, and in violation of CMO 12, Plaintiffs have not served a fact sheet.<sup>4</sup>

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<sup>3</sup> Bayer answered the *Balli* complaint on February 18, 2011, the *Barker* complaint on March 10, 2011, the *Carroll* complaint on March 9, 2011, and the *S.B.* complaint on March 9, 2011. (*Balli* Doc. 7; *Barker* Doc. 6; *Carroll* Doc. 7; *S.B.* Doc. 5).

<sup>4</sup> The fact sheets are more than two months overdue. Bayer served a Plaintiff Fact Sheet delinquency letter on Samantha Stovall on May 3, 2011; plaintiff's counsel moved to withdraw on June 9, 2011. Bayer served a Plaintiff Fact Sheet delinquency letter on Jordan Barker on May 23, 2011; plaintiff's counsel moved to withdraw on June 10, 2011. Bayer served a Plaintiff Fact Sheet delinquency letter on Kasey Smith on May 23, 2011; plaintiff's counsel moved to withdraw on June 13, 2011. Bayer served a Plaintiff Fact Sheet delinquency letter on S.B., a minor, by and through her next friend Sharon Billings on May 23, 2011; plaintiff's counsel moved to withdraw on June 9, 2011. (*Balli* Doc. 14 p. 2 n.4; *Barker* Doc. 10 p.2 n.4; *Carroll* Doc. 11 p.2 n.4; *S.B.* Doc. 8 p.2 n.4).

Accordingly, for the reasons stated herein, plaintiffs' actions are hereby dismissed without prejudice.

**SO ORDERED.**

 Digitally signed by  
David R. Herndon  
Date: 2011.08.25  
16:13:42 -05'00'

**Chief Judge**  
**United States District Court**

**Date: August 25, 2011**